

# **Attachment F**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 21 MC 97 (AKH)

4

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IN RE: SEPTEMBER 11

6

7 LITIGATION

8

9

10 SWORN WITNESS STATEMENT  
11 TAKEN BY VIDEOTAPE  
12 CONFIDENTIAL

12

13

DATE: October 26, 2004

14 TIME: 11:15 AM

15 LOCATION: Law Offices of  
16 Motley Rice, LLC  
17 28 Bridgeside Boulevard  
Mt. Pleasant, SC

17

TAKEN BY: Counsel for the Plaintiffs

18

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6

ALSO PRESENT:

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Jack Petit, Video Technician

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1 THE WITNESS, being first duly

2 sworn, testified as follows:

3 EXAMINATION

4 BY MR. ELSNER:

5 Q. Good morning. Thank you for agreeing

6 to help out the victims of the September 11th

7 attacks this morning. Can you please explain for

8 me your educational background and your

9 professional background?

10 A. I have a Bachelor of Science degree

11 from the University of Tennessee. I have an

12 Associate's degree in the Spanish language from a

13 college in Arizona. I was a municipal police

14 officer, an immigration inspector, a border patrol

15 agent, an antismuggling agent with U.S. Immigration

16 and then I was a senior special agent with the

17 Joint Terrorism Task Force in Newark, New Jersey.

18 Q. During what period of time were you

19 assigned to Newark Airport?

20 A. I would work at Newark Airport on an

21 infrequent basis and on a regular basis between the

22 years of 1987 and 2002.

23 Q. What time frame did you spend working

24 with the Joint Terrorism Task Force?

25 A. I started working with the Joint

1 Terrorism Task Force in 1987 on an irregular basis

2 and I -- in 1995, I was assigned on a full-time

3 basis until I retired in 2002.

4 Q. What is the Joint Terrorism Task Force?

5 A. The Joint Terrorism Task Force is a

6 group of agents from various federal law

7 enforcement agencies as well as in New Jersey from

8 the Port Authority police, the Hudson County

9 prosecutor's office, the New Jersey state police.

10 The federal agencies would include the Secret

11 Service, the CIA, U.S. Customs, U.S. Immigration,

12 and I'm sure there's some others I've forgotten.

13 Q. Did you have the opportunity while

14 working with the Joint Terrorism Task Force or

15 while working in immigration at Newark to interview

16 suspects over a -- over that period of time during

17 your career?

18 A. Sure.

19 Q. How many an estimate would you say that

20 you perhaps interviewed?

21 A. Literally hundreds.

22 Q. During the time that you were stationed

23 both frequently and infrequently during various

24 times between 1987 and the year 2002, did you have  
25 an opportunity to review security at Newark

5

1 Airport?

2 A. Yes.

3 Q. How would you describe the security  
4 between 1987 and before the September 11th attacks?

5 A. Very bad.

6 Q. Can you give me any sort of specific  
7 examples of sort of what you witnessed and why you  
8 came to the conclusion that it was bad?

9 A. Majority of the personnel I would -- I  
10 witnessed and sometimes would be on a daily basis,  
11 sometimes an hourly basis because there was many,  
12 many days I would spend the entire day at Newark  
13 Airport going from terminal to terminal. The  
14 majority, and by the majority I mean a high  
15 percentage of majority, probably 90 percent plus,  
16 appeared to me to be illiterate, not very well  
17 educated, some of them had a difficult time

18 understanding English, they were not observant,  
19 they did not do a good job, and this was on a daily  
20 basis for a long time. I observed this and it was  
21 actually a joke amongst other law enforcement  
22 personnel when we would talk about these people.  
23 We would literally laugh at what they were doing.

24 Q. Laugh because?

25 A. They were not doing a good job. It was

6

1 scary.

2 Q. Did you feel as though during that  
3 period of time that there was a threat of some sort  
4 of incident with respect to Newark Airport?

5 A. I felt that if someone wanted to carry  
6 out an illegal act, they would not have a difficult  
7 time doing it at all. All's one would have to do  
8 would be observe these people for a couple hours  
9 and they'd figure out a way to accomplish whatever  
10 they wanted to do.

11 Q. Have you had the opportunity on the



12 general news to have seen the Dulles screening

13 video that was played by ABC and CBS?

14 A. Yes.

15 Q. And how would you compare the security

16 that was conducted on that video to what was

17 happening at Newark Airport from 1987 to before

18 2001?

19 A. Similar or worse.

20 Q. Meaning that the security at Newark was

21 worse than what was depicted on the security at

22 Dulles?

23 A. By a lot of the people that worked

24 there, sure.

25 Q. Did there ever come a time during your

7

1 work in Newark that there were any investigations

2 that were done of any of the individuals working

3 for security screening companies or other companies

4 at the airport?

5 A. Yes.

6 Q. Can you describe for us what that  
7 investigation was?

8 A. It was an investigation that -- it was  
9 prior to 9/11. I would say this investigation took  
10 place in -- sometime after 1995 and prior to 1999,  
11 an agent -- an immigration agent carried out this  
12 investigation and it was something everybody knew  
13 and he finally brought it to a head and he  
14 determined there was well over a hundred, maybe 200  
15 illegal aliens working at the airport that had  
16 access to all areas of the airport, secured,  
17 nonsecured, they all had -- a majority of them had  
18 badges to swipe to get in through the doors of  
19 various segments of the airport. These would be  
20 cleaning personnel, all types -- just any type of  
21 personnel you could dream of that worked at the  
22 airport.

23 So along with the Port Authority  
24 police, probably the entire staff of the  
25 immigration office, special agents conducted a raid

1 at the airport at shift change in order to get both  
2 shifts and they arrested -- they filled up two  
3 buses. I would say well over a hundred, definitely  
4 over a hundred, possibly over 150 people were  
5 arrested at that time at Newark Airport and all  
6 these people were illegal aliens working at the  
7 airport. It was a disgrace.

8 Q. Did any of the people -- were any of  
9 the people arrested employees for any of the  
10 security screening companies that were doing  
11 security at the airport?

12 A. Possibly. I couldn't say for sure.  
13 There was just so many people arrested. And at the  
14 time I wasn't concentrating on that aspect of it  
15 so -- it's very possible but I don't know for sure.  
16 The important thing is that these people had the  
17 cards, the swipe cards, and these were the people  
18 that were cleaning the aircraft, a majority of  
19 them. These people had total access to the  
20 aircraft when there was nobody around. It's --

21 just thinking about it scares me today. I mean, it

22 just wasn't right.

23 And then there would be -- after this

24 operation took place and the word got around that

25 this agent was interested in anyone else that the

9

1 various companies and Port Authority and the

2 airlines would hire, they would call him up and

3 make him aware of these illegal aliens working at

4 the airport but he was not permitted to follow up.

5 Q. So even after these arrests, the

6 problem of hiring illegal aliens either by the

7 airlines, security screening companies --

8 A. Yes.

9 Q. -- continued?

10 A. Yes.

11 Q. Did not improve?

12 A. No, it did not improve.

13 Q. Was it a well-known event at the -- at

14 Newark Airport at that time that all these people

15 had been arrested?

16 A. Oh, yeah, because people when they came  
17 into work early the next morning, nothing was  
18 accomplished because all of their staff were  
19 arrested.

20 Q. During your time with the Joint  
21 Terrorism Task Force, you said you sort of worked  
22 with them on an interim basis starting in 1987?

23 A. Correct.

24 Q. Did you ever have an opportunity to  
25 investigate anything related to the World Trade

10

1 Center bombing in '93 or any other terrorist  
2 incidents related to Islamic fundamentalist  
3 activity?

4 A. Yes, I was involved in the first World  
5 Trade Center attack with the -- along with the  
6 Blind Sheikh, with the -- any segment of the  
7 operations that took place in New Jersey, I was  
8 involved in -- I would say on the periphery. I

9 wasn't really a case agent like I would become  
10 after 1995 but I would assist in the processing of  
11 aliens and doing background checks on various  
12 people that were under investigation, et cetera, et  
13 cetera.

14 Q. Who was the main perpetrator of the  
15 World Trade Center attack in 1993?

16 A. Well, there was a lot of people  
17 involved but I would say Ramzi Yousef.

18 Q. Did Ramzi Yousef have plans to conduct  
19 any other terrorist attacks?

20 A. Well, after the initial World Trade  
21 Center, I believe -- no, I don't believe, I know,  
22 he was the individual that fermented, created,  
23 dreamt up the Bojinka plot to hijack 12 airplanes  
24 simultaneously.

25 Q. Did the Bojinka plot, was that an event

1 that you learned through some sort of classified  
2 information or was this an event that you became

3 familiar with from public source information?

4 A. Newark was not involved in that

5 investigation in any way, shape or form. No, I

6 would not have learned of it through any -- through

7 any of my work. I learned about it just reading

8 the newspaper, Time, Newsweek, et cetera, et

9 cetera. It was just all over the press.

10 Q. Was -- did that change your thinking

11 with respect to the threat or did it reinforce what

12 you already knew about the threat posed to aviation

13 from Islamic fundamentalist groups?

14 A. All's it did was serve to reinforce.

15 It was something we always knew was possible.

16 Q. Did there ever come a time where you --

17 let me ask one other question before I get to that.

18 Were there general statements given by

19 Islamic fundamentalists that they had the intent to

20 attack the United States?

21 A. Prior to 9/11, yes. There were

22 statements, there were threats, there was -- yeah.

23 There was a fatwah or a statement given by the

24 Blind Sheikh that was arrested in Jersey City out

25 of a prison where I believe it was smuggled out by

12

1 his attorney, a female attorney. I forget her  
2 name. It might have been Lynn Stewart, I'm not  
3 sure. But he talked about hijacking planes,  
4 killing as many people as possible. And this was  
5 well before 9/11 and I believe this woman is being  
6 prosecuted for that as we speak.

7 Q. Was there any connection between the  
8 Blind Sheik and Ramzi Yousef or Osama Bin Laden or  
9 al-Qaeda, is he in any way --

10 A. They're all connected. They're all  
11 interconnected.

12 Q. Did there ever come a time where you  
13 began investigation concerning anyone who posed an  
14 immediate -- or who claimed to be planning to  
15 hijack aircraft in the United States?

16 A. Yes.

17 Q. Who was that?

18 A. Niaz Khan.



19 Q. How did you come to meet Niaz Khan?

20 A. Niaz Khan turned himself in to the

21 Atlantic City police department in I believe

22 sometime around April of 2000. He advised the

23 Atlantic City police that he was sent to the United

24 States to hijack an aircraft. As soon as the

25 Atlantic City police heard that, they notified the

13

1 local office of the FBI in Atlantic City. Since

2 that office did not handle terrorism, they called

3 up the Terrorism Task Force in Newark, New Jersey.

4 Two agents responded, picked up Niaz Khan and

5 brought him up to Newark and that's when I first

6 met him.

7 Q. This was the spring of 2000, is that --

8 A. April, I believe.

9 Q. April of 2000.

10 A. 2000.

11 Q. And did you have an opportunity to meet

12 with Niaz Khan and to ask him questions?

13 A. I dealt with him on a daily basis until

14 I actually escorted him back to England.

15 Q. How -- what time period did Niaz Khan

16 spend with you or with the Joint Terrorism Task

17 Force in Newark?

18 A. The exact dates I can't recall but it

19 was from approximately the first week of April

20 until about Easter of 2000. I remember I returned

21 to the U.S. after Easter Sunday of 2000 so it was

22 from the first week of April until Easter of 2000.

23 Q. So roughly two, three, four weeks?

24 A. Exactly.

25 Q. What did Niaz Khan tell you about his

14

1 intent to hijack an aircraft?

2 A. He told us the whole story. We

3 spent -- literally spent -- 24 hours a day, seven

4 days a week there was someone with him at all

5 times. He was never incarcerated. He was either

6 kept in a motel room or in a safe house and always

7 with an agent. Basically, he was a gambler. He  
8 was addicted to gambling. One night prior to when  
9 we encountered him in April, so I would have to say  
10 it was sometime in March of 2000, I'm just  
11 guessing, he left a casino in Manchester, England,  
12 having lost all of his money and there was two  
13 individuals outside the casino in a vehicle. They  
14 approached him.

15       They talked to him for a long period of  
16 time and they basically -- they recruited him to  
17 hijack an airplane. I guess he was  
18 psychologically -- I can't think of the word at the  
19 time but he was weak at that point in his life. He  
20 was I guess financially destitute. They offered  
21 him some dough and he took them up on their offer.  
22 He didn't go home and he flew to Lahore, Pakistan.

23       Q. When he arrived in Lahore, what did  
24 he -- what happened after he arrived in Lahore?

25       A. He arrived in Lahore, he was told to go

1 to a specific hotel or guest house, I forget, I  
2 think it was a hotel, and he was met there the next  
3 day by an individual. I don't recall the specifics  
4 about that individual. And he was blind folded,  
5 driven outside of Lahore to a guest house  
6 surrounded by a high wall and there he went through  
7 a week to ten days of training to prepare him for  
8 hijacking an aircraft.

9 Q. Did you learn what he was taught  
10 specifically about how to hijack an aircraft?

11 A. I can't recall everything he said. It  
12 was a lot, probably a lot more than I can remember  
13 what he said because I don't have the file in front  
14 of me. But he was given small arms training. They  
15 had a target in the courtyard of the build -- of  
16 the house that was surrounded by this wall where he  
17 took target practice. He viewed photos and  
18 videotapes of aircraft, various types of aircraft.  
19 He had physical defense type training using his  
20 hands.

21 I believe he was taught -- I don't know

22 if he was taught in the use of a knife but I recall  
23 him talking about using a knife and when he used  
24 the knife he was taught to cut the throat because  
25 that would produce the most blood to put fear into

16

1 the other passengers. I remember him talking about  
2 that. That's mainly what I can remember. But it  
3 was very specific in the hijacking of an aircraft.  
4 That was the sole purpose of his trip to Lahore,  
5 Pakistan.

6 Q. Was Niaz -- did Niaz Khan ever discuss  
7 whether if this operation was to be a martyrdom  
8 operation or did he have the mindset at the time  
9 that he might have to kill himself in order to  
10 carry out this attack?

11 A. I remember this specifically. He said  
12 that if the mission required it, he would be -- he  
13 would -- you know, he would -- he wouldn't mind --  
14 he didn't mind dying. But he was led to believe  
15 that it was not going to be a suicide mission, that

16 it was going to be a hijacking, but if the  
17 hijacking went bad, then they would blow the plane  
18 up or crash or do something like that but he was  
19 willing to die.

20 Q. He was willing to die. Did -- after  
21 Niaz received this training, what did they -- what  
22 did he do next?

23 A. He was then given tickets and he flew a  
24 circuitous route prior to landing at JFK in New  
25 York. I know he went to London, but from London he

17

1 went to Zurich and I believe one other European  
2 city, then back to London and to JFK Airport.

3 Q. And when he arrived in JFK Airport,  
4 what was he -- what did he do next?

5 A. He was told to rendezvous with an  
6 individual by the name of Babu Khan at a taxi  
7 stand, that's B-A-B-U K-H-A-N, Babu Khan, at a taxi  
8 stand. He got cold feet, he chickened out. I  
9 guess somehow he learned about Atlantic City.

10 Maybe he read something on the airplane on the way

11 over, I don't know. But he took a bus to Atlantic

12 City and he blew all the cash they gave him for

13 expenses on the gambling tables at one of the

14 casinos in Atlantic City.

15 Q. So he had gambled away the money that

16 he was given by --

17 A. Oh, yeah. We have the -- we recovered

18 the videotapes of him gambling and losing his money

19 in Atlantic City. We saw it on the videotapes.

20 Those videotapes the FBI have and, yes, no

21 question.

22 Q. After he lost his money that had been

23 given to him by members of al-Qaeda, did he -- what

24 did he do next?

25 A. Turned himself over to the Atlantic

18

1 City police department.

2 Q. And then is that how you met him?

3 A. Yes.

4 Q. During your two, three-week period with  
5 Niaz Khan, did you make an assessment as to whether  
6 or not he was truthful or not truthful?

7 A. Initially we didn't believe him. We  
8 just thought, hey, this guy is -- you know, this  
9 guy is just a whack job, there's just no way we  
10 believed him. But the more we talked to him, the  
11 more we spent time with him, we started to believe  
12 him. And then he was polygraphed and he was  
13 polygraphed by probably the best polygrapher the  
14 FBI has and he works in Newark. And he passed,  
15 showed absolutely no deception, and he kept the  
16 story throughout the entire time we were with him  
17 so everyone in Newark that had anything to do with  
18 Niaz Khan believed he was telling the truth.

19 Q. During your -- let me show you  
20 something here. Do you recognize what these are?

21 A. Yes.

22 Q. I'd like to mark that as the first  
23 exhibit. What are these?

24 A. These are -- Niaz sat down with a New  
25 Jersey state police sketch artist and these are the



1 individuals -- the two individuals that recruited  
2 him at the casino and one of his trainers in  
3 Lahore, Pakistan, outside of Lahore, Pakistan.

4 Q. Could you show these to the camera?

5 A. Sure.

6 MR. ELSNER: Can you get a zoom-in shot  
7 of those?

8 VIDEO TECHNICIAN: Sure.

9 THE WITNESS: This -- these are --  
10 that's the same. These would be, I believe --  
11 these would be the two individuals that recruited  
12 him at the casino in England and this is one of his  
13 teachers at the location he was trained at outside  
14 of Lahore, Pakistan.

15 MR. ELSNER: Why don't we mark these  
16 instead as exhibit 1, 2 and 3.

17 (PLF. EXH. 1, sketch, was marked  
18 for identification.)

19 (PLF. EXH. 2, sketch, was marked

20 for identification.)

21 (PLF. EXH. 3, sketch, was marked

22 for identification.)

23 BY MR. ELSNER:

24 Q. After performing these sketches, after

25 conducting a polygraph examination, did the FBI

20

1 create any documents that they distributed that

2 describes the threat that Niaz Khan posed to

3 aviation?

4 A. Sure. There were constant

5 communications, both oral and written, between the

6 Newark division and FBI headquarters in Washington,

7 DC and there were teletype -- there was a teletype

8 prepared that was sent out to various government --

9 U.S. Government agencies.

10 Q. Let me show you this. Do you

11 recognize -- I'm going to mark this as exhibit 4.

12 Do you recognize this document?

13 A. Yes, this is an unclassified teletype

14 prepared by my partner, who I worked with during  
15 this investigation.

16 (PLF. EXH. 4, teletype, was marked  
17 for identification.)

18 BY MR. ELSNER:

19 Q. What is the subject of the -- of the  
20 teletype and what is the teletype's date?

21 A. The date of this teletype is April  
22 10th, 2000 and this talks about Niaz Khan and the  
23 al-Qaeda plot to hijack an aircraft in the United  
24 States.

25 Q. Is there -- have you had an opportunity

21

1 to review this teletype and is it accurate?

2 A. I read it this morning prior to this  
3 interview and, yes, it's extremely accurate. This  
4 is exactly what I recall happening.

5 Q. The distribution of this teletype, did  
6 it include anyone within the -- you know, had some  
7 involvement with aviation security?

8       A. Yes. It says right here, FAA national  
9       headquarters in Washington, DC, immediate. An  
10      immediate teletype means that they are to take  
11      action on it immediately. There are different  
12      classifications of teletypes and this one is an  
13      immediate.

14      Q. The teletype states that there was a  
15      subject affiliated with Osama Bin Laden who may  
16      highjack a U.S.-based airliner from the New York  
17      metropolitan area. Is that an accurate statement?

18      A. Yes.

19      Q. The -- have you -- after -- after you  
20      had -- after these teletypes were written after  
21      Niaz Khan had done his polygraph examination, what  
22      happened with Niaz-Khan next?

23      A. Myself and the author of this teletype  
24      escorted him back to Heathrow Airport in United  
25      Kingdom at the direction of FBI headquarters.

1       Q. What was the reason that he was sent

2 back to the United Kingdom instead of kept in the  
3 United States?

4 A. Well, I can only give you an answer  
5 based upon my experience. I don't know the exact  
6 reason because it's not -- I never saw -- I wasn't  
7 involved in the telecommunications regarding his  
8 removal to the United Kingdom nor was I privy to  
9 any written communications regarding as to why he  
10 was brought back, I can only surmise. I can only  
11 give you an educated guess. Well, one is not a  
12 guess. The U.S. Attorney in Newark refused to  
13 prosecute Niaz Khan. The exact reasons, I don't  
14 recall. Maybe we didn't have enough evidence.

15 Number two, the conspiracy was hatched  
16 in England. He was recruited in England by these  
17 two individuals who you just saw the photos, the  
18 sketches of, and the FBI rightly so reasoned that,  
19 hey, let's send him back to England and let them  
20 start the investigation right from the beginning to  
21 find -- to apprehend these two individuals, do a  
22 complete background investigation on them, find out

23 who they are, who they're associated with and do a  
24 total investigation. The FBI in America wouldn't  
25 be capable of doing that. That would have to be

23

1 done by the English authorities. And since Niaz  
2 Khan was a citizen of the United Kingdom and that's  
3 where his family was and that's where he resided,  
4 they figured that -- I guess they figured that was  
5 the best thing to do.

6 Q. Do you know whether the authorities in  
7 the United Kingdom did any follow-up effort  
8 concerning Niaz Khan?

9 A. In the last couple months I learned  
10 exactly what happened, I learned exactly what  
11 happened, and it's an absolute disgrace. There was  
12 absolutely no follow-up by the British authorities,  
13 none.

14 Q. Have you -- Niaz Khan has given a  
15 statement to plaintiffs in this case. And have you  
16 had the opportunity to -- I'm going to mark this as

17 the next exhibit, exhibit 5.

18 (PLF. EXH. 5, statement, was marked

19 for identification.)

20 BY MR. ELSNER:

21 Q. Have you had the opportunity to review

22 his deposition or statement? It's not really a

23 deposition, his statement or interview given to

24 plaintiffs in this case?

25 A. Yes, I have.

24

1 Q. Do you -- is -- are the statements made

2 by Niaz Khan consistent with the statements that he

3 made to the FBI in 2000 before September 11th?

4 A. Absolutely.

5 Q. Do you find that the statements that

6 he's making in this particular statement for

7 plaintiffs to be accurate and consistent with his

8 story as he's told it since early 2000?

9 A. Yes.

10 MR. ELSNER: Go off the record for a

11 second.

12 VIDEO TECHNICIAN: I'm off the record.

13 (Off-the-record conference.)

14 VIDEO TECHNICIAN: And we're back on

15 the record.

16 BY MR. ELSNER:

17 Q. After the attacks on September 11th,

18 2001, did you -- were you involved in any

19 investigations concerning the September 11th

20 attacks?

21 A. Yes.

22 Q. How were you involved?

23 A. I was totally immersed in the

24 investigation of Flight 93, the hijacking of the

25 aircraft from Newark Airport. I was a team leader.

25

1 Q. After the September 11th investigation

2 or during the September 11th investigation, were

3 you involved in any other investigations of attacks

4 against U.S. citizens?



5 A. Yes.

6 Q. Who is that? Who was that?

7 A. Danny Pearl.

8 Q. And can you tell us about that

9 investigation generally? What time frame was it?

10 A. That was in -- started in January of

11 2002. A group of agents were sent to Karachi,

12 Pakistan to investigate Danny Pearl's kidnapping.

13 Q. And during that investigation, did you

14 learn anything about any of the perpetrators

15 involved in the kidnapping and assassination?

16 A. Sure. We identified one, two, three or

17 four of the kidnappers as well as the leader, Omar

18 Sheikh.

19 Q. Who is Omar Sheikh?

20 A. Omar Sheikh is a radical fundamentalist

21 who was educated at the London School of Economics

22 in London. I've never met him but I know he speaks

23 fluent English, he has an extremely Muslim

24 fundamentalist terrorist -- slash terrorist

25 background. He was incarcerated in India for his

1 terrorist acts in that country and, as a matter of  
2 fact, was released from prison because of an  
3 aircraft that was hijacked out of I believe Nepal  
4 in 1999.

5 Q. The aircraft that was hijacked, do  
6 you know where that aircraft landed and what  
7 happened after --

8 A. Well, it landed in a couple of places  
9 but it ended up in Afghanistan, I believe Kandahar.

10 Q. And Afghanistan at that period of time  
11 was -- who is -- where was -- under whose control  
12 was --

13 A. Taliban.

14 Q. And after the plane landed, what took  
15 place next with respect to the hijacking?

16 A. Well, I believe there was a trade. The  
17 passengers were released and I believe two or three  
18 individuals were released from custody in India,  
19 one of whom was Omar Sheikh.

20 Q. And after Omar Sheikh's release, did he

21 have any affiliation with al-Qaeda or with --

22 A. Yes. Oh, yeah, he was involved in  
23 al-Qaeda all the way. He was train -- he was  
24 involved in -- he -- I know he definitely was a  
25 trainer for Osama Bin Laden in the al-Qaeda

27

1 training camps.

2 Q. So this is another incident in which  
3 al-Qaeda members were involved with a threat to  
4 aviation?

5 A. Yes. Sure.

6 Q. Based on this India hijacking, the plot  
7 that you had described earlier, the plot --

8 A. Bojinka plot.

9 Q. -- in 1994 and the statement given to  
10 you by Niaz Khan, how would you characterize the  
11 threat to civil aviation in the United States from  
12 Islamic fundamentalists?

13 A. I'd say it was very likely, very likely  
14 to happen based upon everything I learned -- with

15 the accumulation of everything I learned throughout  
16 my years and then especially after 9/11, it was --  
17 it was all there for everybody to see but nobody  
18 saw it.

19 Q. Was the -- was the information about  
20 plan Bojinka, the Air India hijacking, Yousef's  
21 plot against the U.S., the Blind Sheikh's fatwah,  
22 generally public information that anyone  
23 investigating aviation security would be aware of?

24 A. Well, sure, most of this I learned  
25 through public information. I wasn't involved in

28

1 all of these investigations.

2 Q. Did you -- from 1987 until the '93  
3 Trade Center bombing, the '94 plan Bojinka, the '99  
4 Air India incident, throughout that period did you  
5 recognize increased hike in security or training  
6 given to security screeners at Newark International  
7 Airport?

8 A. Definitely not.

9 Q. How would you characterize Newark's  
10 security system in light of these threats to civil  
11 aviation?

12 A. Really bad.

13 MR. ELSNER: I have no other questions.

14 VIDEO TECHNICIAN: And I've stopped.

15 (A recess transpired.)

16 VIDEO TECHNICIAN: And we're back on.

17 BY MR. ELSNER:

18 Q. Sorry, there was one question I wanted  
19 to ask you. Could you review this document for me?  
20 Have you seen this document?

21 A. Well, I've seen similar documentation.  
22 I've never seen this one.

23 Q. How would -- what would -- what type of  
24 document is this?

25 A. Appears to be an FBI 302.

1 Q. Are you familiar with generally how FBI  
2 302's are written?

3       A. Sure, I've written hundreds, maybe a  
4 thousand or more of them.

5       Q. Does this appear to be an accurate 302  
6 based on your experience and expertise?

7       A. Yes, it does.

8       MR. ELSNER: Okay, no further  
9 questions. Thank you.

10       VIDEO TECHNICIAN: We're stopped.

11       (WHEREUPON, the proceedings concluded  
12 at 11:56 AM.)

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1 CERTIFICATE OF REPORTER

2

3 I, Terri L. Brusseau, Registered

4 Professional Reporter and Notary Public for the

5 State of South Carolina at Large, do hereby certify

6 that the foregoing transcript is a true, accurate,

7 and complete record.

8 I further certify that I am neither related

9 to nor counsel for any party to the cause pending

10 or interested in the events thereof.

11 Witness my hand, I have hereunto affixed my

12 official seal this 27th day of October, 2004 at

13 Charleston, Charleston County, South Carolina.

14

15

16

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\_\_\_\_\_  
Terri L. Brusseau,

18 Registered Professional  
Reporter, CP, CRR  
19 My Commission expires  
May 7, 2006.

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1 I N D E X

2 Page

WITNESS/EXAMINATION

3 EXAMINATION 3

BY MR. ELSNER

4 CERTIFICATE OF REPORTER 30

5

REQUESTED INFORMATION INDEX

6

(No Information Requested)

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E X H I B I T S

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(No Exhibits Proffered)

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